

# SENATE BILL No. 461

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2; IC 13-18-12-9; IC 16-18-2-263.5; IC 16-19-3-27.

**Synopsis:** Residential sewage discharging systems. With respect to onsite residential sewage discharging disposal systems: (1) allows a local health department to issue operating permits under certain circumstances; (2) directs the state department of health (DOH) to take action to allow for the issuance of operational permits; (3) directs the department of environmental management to apply for a general permit from the United States Environmental Protection Agency covering the point source discharge from onsite residential sewage discharging disposal systems; and (4) directs DOH to take action to develop new residential septic system technologies.

**Effective:** Upon passage.

**Long, Wyss, Meeks C**

January 14, 2002, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

## SENATE BILL No. 461

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-11-2-144.7 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE UPON PASSAGE]: **Sec. 144.7. For purposes of**  
4 **IC 13-18-12, "onsite residential sewage discharging disposal**  
5 **system" means a sewage disposal system that:**

6 **(1) is located on a site with and serves a one (1) or two (2)**  
7 **family residence; and**

8 **(2) discharges effluent offsite.**

9 SECTION 2. IC 13-11-2-199.5, AS ADDED BY P.L.193-2001,  
10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 UPON PASSAGE]: Sec. 199.5. "Septic tank soil absorption system",  
12 for purposes of **IC 13-18-12 and** IC 13-26-5-2.5, means pipes laid in  
13 a system of trenches or elevated beds, into which the effluent from the  
14 septic tank is discharged for soil absorption, or similar structures.

15 SECTION 3. IC 13-18-12-9 IS ADDED TO THE INDIANA CODE  
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
17 UPON PASSAGE]: **Sec. 9. (a) Except as provided in subsection (b),**



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the point source discharge of sewage, treated or untreated, from a dwelling or its associated residential sewage disposal system to waters is prohibited.

(b) The point source discharge of sewage, treated or untreated, from an onsite residential sewage discharging disposal system to waters is permitted if:

(1) the local health department for the jurisdiction in which the system is located issues an operating permit for the system under subsection (c); and

(2) the discharge is authorized under a general permit issued under 40 CFR 122.28.

(c) The local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if:

(1) the local health department establishes:

(A) maintenance requirements; and

(B) a maintenance education program;

for onsite residential sewage discharging disposal systems in the jurisdiction;

(2) the local health department establishes a system for monitoring onsite residential sewage discharging disposal systems in the jurisdiction to ensure that:

(A) required maintenance is performed on the systems; and

(B) the systems do not discharge effluent that violates water quality standards;

(3) the local health department certifies, with respect to the system for which the permit is issued, that:

(A) the system:

(i) has been properly maintained; and

(ii) is capable of operating properly;

(B) the system does not discharge effluent that violates water quality standards;

(C) an acceptable septic tank soil absorption system cannot be located on the property served by the system because of:

(i) soil characteristics;

(ii) size; or

(iii) topographical conditions;

of the property; and

(D) the system:

(i) was properly installed by a qualified installer; and

(ii) provides the best available technology for residential

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discharging onsite sewage disposal systems; and  
 (4) the system for which the permit is issued cannot be  
 connected to a sanitary sewer because:

(A) unreasonable economic hardship would result to the  
 system owner because of:

(i) the connection requirements of the sanitary sewer  
 operator; or

(ii) the distance to the sanitary sewer; or

(B) the sanitary sewer operator refuses connection.

SECTION 4. IC 16-18-2-263.5 IS ADDED TO THE INDIANA  
 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE UPON PASSAGE]: Sec. 263.5. For purposes of  
 IC 16-19-3, "onsite residential sewage discharging disposal  
 system" means a sewage disposal system that:

(1) is located on a site with and serves a one (1) or two (2)  
 family residence; and

(2) discharges effluent offsite.

SECTION 5. IC 16-19-3-27 IS ADDED TO THE INDIANA CODE  
 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 UPON PASSAGE]: Sec. 27. (a) The state department of health  
 shall:

(1) study new technologies for residential septic systems that  
 will perform satisfactorily as alternatives to currently  
 operating septic systems that do not perform satisfactorily  
 because of:

(A) soil characteristics;

(B) lot sizes;

(C) topographical conditions; or

(D) high water tables; and

(2) take all actions necessary to develop plans and  
 specifications for residential septic systems under the new  
 technologies described in subdivision (1).

(b) The executive board shall adopt reasonable rules under  
 IC 4-22-2 to:

(1) promulgate the plans and specifications developed under  
 subsection (a);

(2) promulgate plans and specifications for residential  
 discharging onsite sewage disposal systems; and

(3) allow for the issuance of operating permits for:

(A) residential septic systems that are installed in  
 compliance with the plans and specifications promulgated  
 under subdivision (1); and

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**(B) onsite residential sewage discharging disposal systems that:**

- (i) are installed in compliance with the plans and specifications promulgated under subdivision (2); and**
- (ii) comply with IC 13-18-12-9.**

**SECTION 6. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION:**

- (1) "onsite residential sewage discharging disposal system" has the meaning set forth in IC 13-11-2-144.7; and**
- (2) "waters" has the meaning set forth in IC 13-11-2-265.**

**(b) The department of environmental management:**

- (1) shall take all actions necessary to apply for and obtain from the United States Environmental Protection Agency a general permit under 40 CFR 122.28 for the state to cover the point source discharge of sewage, treated or untreated, from an onsite residential sewage discharging disposal system to waters;**
- (2) is authorized to take all actions referred to in subdivision (1);**
- (3) shall take the actions referred to in subdivision (1) in an expeditious manner calculated to obtain the general permit as soon as possible; and**
- (4) shall report to the environmental quality service council before:**

**(A) August 1, 2002; and**

**(B) October 1, 2002;**

**the progress in obtaining the general permit.**

**(c) The state department of health and the executive board of the state department of health shall:**

- (1) take the actions referred to in IC 16-19-3-27, as added by this act, in an expeditious manner calculated to result in the development of plans and specifications and the adoption of rules as soon as possible; and**
- (2) report to the environmental quality service council before:**

**(A) August 1, 2002; and**

**(B) October 1, 2002;**

**the progress in developing plans and specifications and adopting rules.**

**(d) This SECTION expires January 1, 2004.**

**SECTION 7. An emergency is declared for this act.**

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